IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No. 1698 of 2004

Shri Ashok Joshi .. Petitioner.
V/s.
The State of Maharashtra .. Respondents.

Mr. M.S. Karnik for the Petitioner.
Mrs. P.H. Kantharia, APP. for the Respondent No. 1.
Dr. B.R. Naik with Mr. Prashant Naik for the Respondent No. 3.

CORAM : H.L. GOKHALE &
S. RADHAKRISHNAN, JJ.
DATED : 30.08.2004.

P.C.:-

1. Heard Mr. Karnik for the Petitioner, Mrs. Kantharia, APP. for the Respondent No. 1 and Dr. Naik for the Respondent No. 3. The other Respondents have not been served.

2. This Petition by an large makes three fold grievance. The first grievance is that though, according to the Petitioner, Respondent Nos. 5 and 6 have cheated Respondent No. 3 Bank, the Respondent No. 3 Bank has not taken adequate and correct steps in that behalf. Dr. Naik for the Respondent No. 3 Co-operative Bank states that the Respondent Bank has already filed a complaint and that has been registered as First Information Report (FIR) and the same is being followed up.

3. The second grievance of the Petitioner is that the Respondent Nos. 5 and 6 have moved the Sessions Court for Anticipatory Bail. In that proceeding, an order came to be passed on 24.2.2004 that the Applicants may not be arrested until the matter was heard. Subsequently, Mr. Karnik, submits that the proceedings

in the Sessions Court, though for bail are almost being considered as Recovery proceedings and therefore, they are not being decided early. He has a grievance to the bail being granted to the Respondent Nos. 5 and 6. The Petitioner, who is a shareholder of Respondent Bank has intervened in the Recovery proceedings. Dr. Naik, for the Respondent Bank has no objection to the bail application being decided at the earliest. Though Respondent Nos. 5 and 6 are not before the Court, they also can not have any objection, to their application being decided early. Hence we direct Learned Judge, Sessions Court to decide the Bail application being 230 and 260 of 2004 at the earliest and preferably by the end of September, 2004.

4. The third grievance of the Petitioner is against some officers of the Respondent Bank. He has made representation to the Reserve Bank of India, in that behalf. As far as those persons are concerned, Mr.Karnik states that the present Petition is concerning criminal jurisdiction and hence he is not pressing those submissions herein. He will follow the matter with the Reserve Bank of India and if aggrieved, may take further steps in that behalf. With this order, the Petition stands disposed of.

(H.L. GOKHALE, J.)

(S. RADHAKRISHNAN, J.)